

Vito de la Cruz, WSBA No. 20797
TAMAKI LAW OFFICES
1340 N. 16th Ave., Ste. C
Yakima, WA 98902
vito@tamakilaw.com
509/248-8338
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARIA G. DAVILA-MARQUEZ
and ERNESTO MARQUEZ, wife
and husband,

Plaintiff(s),

v.

CITY OF PASCO, a Municipal
corporation, and RYAN
FLANAGAN and JANE DOE
FLANAGAN, husband and wife,
and ZACHARY FAIRLEY and
JANE DOE FAIRLEY, husband
and wife, and ROBERT
MEZTGER, Chief of Police of the
Pasco Police Department,

Defendant(s).

NO.: CV-12-5059-LRS

DECLARATION OF VITO DE
LA CRUZ IN SUPPORT OF
PLAINTIFFS' REPLY IN
OPPOSITION TO
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT

VITO DE LA CRUZ, upon oath, states:

1. I am the attorney for Plaintiffs, Maria G. Davila-Marquez and Ernesto Marquez.
2. Attached hereto as "Exhibit 1" is a true and accurate copy of a list showing that City of Pasco and the Pasco Police Department received federal grant money to provide service to Limited English Proficiency people. Exhibit 1 was obtained from the Department of Justice, Office of Justice Programs website.
3. Attached hereto as "Exhibit 2" is a true and accurate copy of 67 Federal Register (FR) 41455-01, entitled *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Person*. Exhibit 2 was obtained from the Department of Justice website.
4. Attached hereto as "Exhibit 3" is a true and accurate copy of a 2005 federal Justice Assistance Grant awarded to the City of Pasco and Franklin County in the amount of \$22,068. Exhibit 3 was obtained from Department of Justice, Office of Justice Programs website.
5. Attached hereto as "Exhibit 4" is a true and accurate copy of a 2009 American Recovery and Reinvestment Act grant awarded to the City of Pasco and Franklin County in the amount of \$102,581. Exhibit 4 was

1 obtained from the Department of Justice, Office of Justice Programs
2 website.

3
4 6. Attached hereto as "Exhibit 5" is a true and accurate copy of a 2007
5 federal Justice Assistance Grant awarded to the City of Pasco and
6 Franklin County in the amount of \$17,765. Exhibit 5 was obtained from
7 Department of Justice, Office of Justice Programs website.

8
9
10 7. Attached hereto as "Exhibit 6" is a true and accurate copy of a 2009
11 federal Justice Assistance Grant awarded to the City of Pasco in the
12 amount of \$22,355. Exhibit 6 was obtained from the Department of
13 Justice, Office of Justice Programs website.

14
15 8. Attached hereto as "Exhibit 7" is a true and accurate copy of a 2006
16 federal Justice Assistance Grant awarded to the City of Pasco in the
17 amount of \$12,543. Exhibit 7 was obtained from the Department of
18 Justice, Office of Justice Programs website.

19
20
21 9. In reviewing defendants' answers to interrogatories, in particularly the
22 training manuals formulated by the City of Pasco and the Pasco Police
23 Department, there is no reference to any provision regarding services for
24 Limited English Proficient (LEP) persons.
25
26
27
28

10. Undersigned counsel intends to utilize Exhibits 1-7 in discovery, which is still in its infancy.

11. Attached hereto as "Exhibit 8" is a true and accurate copy of an e-mail conservation with George Fearing dated January 28, 2013 through January 30, 2013, regarding the amendment of the Complaint and caption.

I DECLARE THE FOREGOING TO BE TRUE AND CORRECT
UNDER PENALTY OF PERJURY OF THE LAWS OF THE UNITED
STATES OF AMERICA.

DATED this 31st day of January, 2013.

TAMAKI LAW OFFICES
Attorneys for Plaintiffs

By: s/ Vito de la Cruz
Vito de la Cruz, WSBA No. 20797
Attorney for Plaintiffs
TAMAKI LAW OFFICES
1340 N. 16th Ave., Ste. C
Yakima, WA 98902
Telephone: (509) 248-8338
Fax: (509) 452-4228
Email: vito@tamakilaw.com

CERTIFICATE OF SERVICE

I hereby certify that on January 31st, 2013, I electronically filed the foregoing with the Clerk of the Court using CM/EFC System which will send notification of such filing to the following: gfearing@tricitylaw.com

clare@tricitylaw.com

kflyg@tricitylaw.com.

TAMAKI LAW OFFICES
Attorneys for Plaintiffs

By: s/ Vito de la Cruz
Vito de la Cruz, WSBA No. 20797
Attorney for Plaintiffs
TAMAKI LAW OFFICES
1340 N. 16th Ave., Ste. C
Yakima, WA 98902
Telephone: (509) 248-8338
Fax: (509) 452-4228
Email: vito@tamakilaw.com